

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits- Arbitration – An amount of Rs. 65,215/- towards balance decretal amount of Arbitration Award dated: 29-5-1991 to be deposited to the credit of O.P No. 106/92 on the file of the Hon'ble Senior Civil Judge Court, Nuzvid - in respect of the work relating to "EWE and forming embankment from KM 0.000 to K.M. 2.00 of Vempadu major (UR) including construction of structures in Block No. 2111" entrusted to Sri P. Mastan Rao, Contractor vide LCB agreement No. 2 SE/K/82-83, dated 29.4.1982.- Sanctioned – Orders – Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O Rt. No. 818

Dated:05- 08-2011
Read the following

- 1)From the Chief Engineer Nagarjuna Sagar project, Hyderabad,
Lr. No: CE/NS/CO/HYD/OT3/ARB(5)/2002/384
Dated:29.04.2011/3-05-2011.

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O R D E R:

The Chief Engineer, Nagarjuna sagar Project, Hyderabad in his letter read above, has reported that the work relating to "EWE and forming embankment from KM 0.000 to K.M. 2.00 of Vempadu major (UR) including construction of structures in Block No. 2111" was entrusted to Sri P. Mastan Rao contractor vide LCB agreement No.2 SE/K/82-83, dated 29.4.1982. After completion of the work, the contractor has approached the panel of arbitrators as per clause 25 of LCB` agreement duly put forth certain claims for an amount of Rs.7,43,019 /- + - 18% of interest before the panel of Arbitrators. The panel of arbitrators passed award on 29-05-1991 for an amount of Rs. 86,305/-+ 15% interest against the claims put forth by the Contractor. The award passed by the panel of Arbitrators was contested by the department in OS No. 7/1992 and the contractor has filed O.P. No.106/92 for declaring the award as rule of the Court before the Hon'ble Senior Civil Judge court, Nuzvid. The Hon'ble Senior Civil Judge Court, Nuzvid has pronounced judgment and decree on 04.10.2001 in OP No.106/1992 declaring the award as rule of Court. The O.S. No.7/1992 filed by the Department was dismissed with out costs. Aggrieved by the above decree, the Department have filed appeals in CMA No.1693/2002 and in CRP No. 1366/2002 before the Hon'ble High Court of A.P., Hyderabad. Pending CRP No. 1366/2002

before the Hon'ble High Court, the Hon'ble High Court by its interim order dated 05.07.2002 has ordered to revise the order of the Senior Civil Judge Court, Nuzvid and stayed all further proceedings including pursuant to the judgment and Decree dated: 04.10.2001 in O.P No. 106/92 on the file of the Senior Civil judge Court, Nuzvid. The Hon'ble High court by its further orders dated. 22.11.2002 has ordered that the stay earlier granted by High court is made absolute subject to the condition that the petitioner depositing half of the decretal amount". Accordingly, half of the decretal amount of Rs. 49,637/- was deposited in the Senior Civil judge Court, Nuzvid on 04.03.2003.

2. Subsequently, the Hon'ble High Court dismissed the appeals on 03.02.2010 in CMA NO: 1693/2002 and in CRP No: 1366/2002 filed by the department on the ground that the amount involved in the entire matter being too low and too trivial warranting the interference.

3. In pursuance of the above orders, the Chief Engineer, NS Project, Hyderabad, has requested the Government to accord sanction for an amount of Rs. 65,215/- towards the balance decretal amount to be deposited in the respective court..

4. Government after careful examination of the above matter, hereby accord sanction for an amount of Rs. 65,215/- (Rupees Sixty five thousand Two hundred and Fifteen only) towards balance decretal amount of Arbitration Award dated: 29-05-1991 to be deposited to the credit of O.P. No. 106/92 in respect of the work relating to "EWE and forming embankment from KM 0.000 to K.M. 2.00 of Vempadu major (UR) including construction of structures in Block No. 2111" entrusted to Sri P. Mastan Rao Contractor, vide LCB agreement No. 2 SE/K/82-83, dated 29.4.1982.

5. The expenditure sanctioned in para (4) above shall be debitable to the detailed Head of Account under " MH4700 – COL on Major Irrigation – 01 Major Irrigation Commercial MH – 129 N.S Projects GH . II Normal State plan- SH 27 C & D – 530 Major Works – 531 Other Expenditure.

6. The Chief Engineer NS Project, Hyderabad is directed to deposit the above sanctioned decretal amount in the respective Court to the credit of O.P.No. 106/92 for avoiding further legal complications in the matter.

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7. This order issues with the concurrence of Finance (W&P) Department Vide their U.O. No.2209 / F2 (1) 11-I, dated. 29.6.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Chief Engineer, Nagarjuna Sagar Project, Hyderabad
The Accountant General, A.P. Hyderabad.
The District Treasury Officer, Khammam
The Pay and Accounts Officef, Tekulapally, Khammam
Copy to : The P.S. to Minister (M & MI)
The P.S to Principal Secretary to Govt., I & CAD Department.
The Finance (W&P) Department.
The Law Department
The I & CAD (P&B) Department.
S.F/ S.C

//Forwarded: By Order//

Section Officer